

COUNTERING NEW HEALTH WARNING LABELS, NORWAY

1. THE ISSUE

The proposal for new health warning labels contains black and white labelling around the top 2,4 cm of the cigarette pack. Labelling of RYO tobacco is suggested with 2,8 cm x 12 cm areas on 2 sides of the pouch. 12 different texts are proposed.

Inserts in each individual pack of cigarettes or RYO, with 12 additional variable texts. These labels measure 5,4 cm x 8,4 cm.

Declaration as per to-day for cigarettes, but no mention of possible measuring on RYO. No maximum levels suggested. The draft includes the right for the Ministry to obtain information on additives.

There is no mention of neither snuff nor chewing tobacco nor cigars.

2. BACKGROUND

The National Council on Smoking and Health, June 4th released their proposal to the Health Ministry for new and revised HWL.

The draft proposal will now be studied by the Health Ministry, and should the Ministry decide to proceed with the proposal, the documents will then be distributed to hearing bodies. Expected time for considering the proposal by the hearing bodies, is anticipated to be 2 - 3 months.

When the hearing bodies have delivered their comments, the Ministry is free to make the final decision, based on the authority given in the Tobacco Act from 1973. Such a decision cannot be appealed. If one feel the Ministry's decision not is in accordance with Norwegian Law, the case must be tried by Court.

The new HWL is proposed to be effective January 1st 1992. This date, however, must only be considered as a date set as example. The NCSH is fully aware of the complications of form of procedure, redesigning, and normal stock levels of printed materials.

The countering of these new rules contain a legal defence plan, a government relations plan and a media plan. All plans will be coordinated with PMAB and the law firm Wiersholm, Melbye and Bech, by counsellor Magnus Hellesylt.

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3. OBJECTIVES

To prevent the NCSH draft from being adopted. Alternatively amend the labelling to be conformance with the EEC directives. Work for constituents' contents and declaration of RYO. Inserts to be avoided. Try to delay procedure in Ministry.

4. LEGAL CONSIDERATIONS

As the draft proposal not yet can be considered as an official document, it is important that no one pushes the Ministry for information, as this might speed up the procedure. The NMA will, however, start their work on the issue.

Due to experience from the Swedish HWL situation, PM will offer extensive support to the NMA, including a draft reply. This draft is to be prepared by Magnus Hellesylt, and based on the complaints filed in Sweden by PM. Hellesylt to work in close cooperation with Peder Hammarskiöld of L&L, and Jim Newsom of SH&B. H. Gaisch of PTR will be asked to comment on scientific issues.

The intention is, when the NCSH proposal has been received by the NMA, that step no.1 is a letter from the NMA questioning several of the elements within the draft, and requesting the scientific background and proofs for some of the texts. The belief is that this will require some considerable time by the Ministry.

Step no 2, which will be the final reply of the NMA, will in all probability be delayed due to the time required by the Ministry to reply to our questions.

It is not advisable that the PM draft proposal includes anything about declaration or T & M levels on RYO. This is an issue which will have to be dealt with separately by CL.

5. GOVERNMENT RELATIONS

Even though CL has some good contacts within the administrative life in Norway, it is advisable that most of the lobbying is done through the NMA. As TOJ is a NMA board member, nothing will happen without our knowledge. We are also in the position to guide the steps to be taken by the NMA.

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The main target group for lobbying, will have to be senior and political officers of the Health Ministry. Due to the EEC aspect, similar contacts must also be established within Ministries of Trade, Justice and Industry.

At this moment, it is not advisable to involve any of our political contacts. A political plan must be prepared, including an ally network and focusing on main topics, such as inconsistency regarding EEC harmonisation, trade mark offences, and questioning the necessity of these new HWL.

Target university legal authorities, and encourage them to comment on the the legal aspects of the proposal. Also involve business life's legal experts on EEC and trade mark matters.

Alert our sympathetic contacts within business life, including trade organisations, and trade unions. Alert especially other consumer goods industries, illustrating the possible future threats. The Norwegian chapter of the ICC will be contacted with the ICC document prepared for Sweden.

Røykringen must be involved, especially as they will be a hearing body.

CL will have to handle the lobbying re the RYO separately. It is in this context extremely important that some decision is reached by the CORESTA working group on measuring methods of RYO. Such a decision will be the base for an ISO term on RYO measuring.

6. MEDIA PLAN

This media plan is scheduled to be a support to the overall plan.

Topics must be questioning of the background of the requirement for new labels, the medical basis, possible trade mark offences and the experience of present Tobacco Law. Important is the step away from EEC harmonisation and the heavy investments required by local industry.

With the exception of the special RYO issue, all relations with media should be channelled through the NMA.

Influential newspapers like VG and Dagens Næringsliv will be informed about the proposal. Hopefully they will give their comments on an editorial level. Such comments tend to be picked up by other medias, and read by bureaucrats and politicians.

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Full information to all relevant trade papers about the issue. Illustrate the consequences, short and long term, for each individual organisation.

The trade papers to be contacted will be those belonging to our friendly allies, including employers' and employees' organisations.

Tentative list of medias:

Tobakk Frukt Sjokolade	Tobacco retailers
Hotell og Restaurant	HORECA
Oss verter i Mellom	HORECA
Oljebladet	Petrol stations
Norges Kjøpmannsblad	Groceries
Fritt Kjøpmannskap	Groceries
Kampanje	Marketing
Markedsrevy	Central Trade Org.
Markedsføring	Marketing

Furnish business magazines with information about the consequences the new regulations will have for future business activities.

Possible list of medias:

Økonomisk Rapport
Kapital
Dine Penger

Short press release to be produced, based on the initial reply prepared by legal advisors. Also stress that Industry does not object to warnings, providing they follow the lines of the EEC directive.

Encourage an open debate between members of the Ministry / NCSH - SRG / Industry, on the necessity of the new proposal. Such a debate must aim at the ridiculous policies of the NCSH, and the unnecessary costs involved for all parties concerned.

Issue a Q + A for use by Industry spokespersons.

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ACTION PLAN OF COUNTERING NEW HWL PROPOSAL - NORWAY

	Week	Resp.
Pre NCSH proposal being an official hearing document.		

1. Information to Dagens Næringsliv	24	TOJ
2. Obtain acceptance from NMA to PM proposal to make first draft reply.	25	TOJ
3. 1st draft reply	26	MH
4. Presentation to NMA of PM proposed reply	30	MH / TOJ
5. The local SRG to be informed of NCSH prop.	28	TOJ
6. Target university authorities, and other local experts, including marketing and EEC related issues.	28	NMA
7. Speed up CORESTA decision on RYO measuring	26	PNEEMA
8. Do not contact Ministry - prevent acceleration of NCSH proposal.		

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NCSH sent for hearing - equal to week 0

		Week	Resp.
1.	Renewed contact with SRG	1	TOJ
<u>15hna</u> - 2.	Information to friendly hearing bodies, offer assistance	1	NMA
3.	Furnish Norwegian chapter of ICC with info	1	TOJ
4.	VG to be informed	2	NMA
5.	Friendly trade papers contact	2	NMA
6.	Measuring RYO - NCSH and Ministry contact	2	TOJ
7.	Prepare PM / CL separate letter to Ministry re RYO measuring	3	TOJ
8.	Establish contacts with Ministries of Trade, Justice and Industry	3	NMA
9.	Contact business magazines	4	NMA
10.	Letter no 1 to be sent from NMA to Ministry, requiring answers to specific questions on scientific backgrounds etc.	5	NMA
11.	Contact political friends	6	NMA / TOJ
12.	Follow up allies - discuss replies, offer further assistance	6	NMA
13.	Apply for extended period of reply due to late reply from Ministry to questions raised	8	NMA
14.	Finalize reply from NMA	10	NMA
15.	Finalize PM / CL commentary letter on RYO	10	TOJ

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